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JILL A. STERN
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June 17, 1992

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ellipsat Corporation
ET Docket No. 92-28, PP-30

Dear Ms. Searcy:

By letter dated June 10, 1992, David R. Siddall, Chief of the FCC's Frequency Allocation Branch, denied the request of Ellipsat Corporation ("Ellipsat") for confidential treatment of certain patent materials relating to the ELLIPSO™ system that Ellipsat submitted to the Commission on June 5, 1992. In his letter, Mr. Siddall indicated that, in his determination, "the substance of the information contained in the submission already has been placed in the public record by Ellipsat."

The confidential submission consisted of a one-page excerpt (the title page and abstract) from Ellipsat's June 2, 1992 patent application. This information was submitted by Ellipsat as evidence of the unique and innovative nature of its elliptical orbit satellite constellation and of the manner in which that design provides global coverage tailored to the distribution of populated land masses on earth.

Ellipsat requested confidentiality for the patent materials in reliance on the Commission's treatment of the confidential appendix submitted on April 10, 1992 by Motorola Satellite Communications, Inc. ("Motorola"). Motorola's confidential submission included similar title pages, many containing far less information than Ellipsat's submission. Nonetheless, Motorola's submission was accorded confidential treatment by the Commission, in contrast to Ellipsat's. (See Ellipsat's June 12, 1992 Reply Comments in ET Docket No. 92-28 for detailed comments questioning the relevance of Motorola's submission to the pioneer's preference proceedings.)

A copy of the title page and abstract from the Ellipsat patent application, as submitted to the Commission on June 5,

1992, are being re-submitted herewith for inclusion in the public record in light of the Commission's ruling that the materials are not entitled to confidential treatment. Having reviewed its options, Ellipsat chooses not to submit the patent application in its entirety to the Commission at this time. Ellipsat prefers not to make the proprietary information in the patent application available, even under the terms of a protective order, because of concerns about disclosure of trade secrets and commercial information relating to the ELLIPSO™ system.

Should there be any questions concerning this matter, kindly communicate with the undersigned.

Sincerely,

Jill Abeshouse Stern
Counsel for Ellipsat Corporation

JAS:csg
Enclosure
cc: David Siddall
Counsel of Record

92-48

PATENT APPLICATION FOR

NON-GEOSTATIONARY ORBIT SATELLITE CONSTELLATION FOR CONTINUOUS COVERAGE OF NORTHERN LATITUDES ABOVE 25° AND ITS EXTENSION TO GLOBAL COVERAGE TAILORED TO THE DISTRIBUTION OF POPULATED LAND MASSES ON EARTH.

INVENTOR: **DAVID CASTIEL**
4437 LOWELL STREET
WASHINGTON, D.C. 20016

DATE FILED: **JUNE 2, 1992**

Abstract

A non-geostationary low earth orbit satellite constellation using elliptical orbits with apogees in the Northern Hemisphere is disclosed to provide continuous coverage over the Continental United States of America (CONUS), and by extension to the other points in the Northern Hemisphere situated above 25° north latitude. The constellation provides time-continuous visibility with at least one satellite to any point above 25° North latitude with a minimum number of satellites deployed for such class of constellation.

Also disclosed is an extension of the constellation wherein a combination of the elliptical orbits disclosed herein and at least one equatorial orbit provide virtual global coverage, and wherein the distribution of capacity is deployed in proportion to the distribution of populations in the land masses of the earth. Time continuous visibility with at least one satellite is maintained by any point on earth north of the 50° South latitude, with a minimum number of satellites deployed.

All satellites sharing the same orbit, or type of orbit, in the constellations above have the same orbital period, same apogee altitude and same perigee point. For all elliptical orbits in the constellation herein the argument of perigee can be adjusted to provide optimal service to specific regions (CONUS, Northern Europe, etc.)

18 Claims, 6 Drawings, 3 Tables